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# **Stewardship Compliance**

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Regional Resource Stewardship Council

October 9, 2008

# What is Stewardship Compliance?

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- ◆ Land use compliance
- ◆ Section 26a compliance
- ◆ Contract compliance (leases, licenses, etc.)
- ◆ Campground compliance

# Why is This Important?

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- ◆ Reflects on the way TVA is perceived as doing business by grassroots stakeholders
- ◆ TVA's Land Policy, as approved and implemented by the Board of Directors, has emphasized/increased focus on stewardship of TVA lands
- ◆ Improves public perception of TVA as the steward of public lands
- ◆ Ensures a more effective policy application across the valley
- ◆ Reduces our environmental risk

# Alignment

## ***TVA 2007 Strategic Plan***

***Environmental Strategy Objective Summary:***  
***Support TVA's long-term success by managing environmental risk and impacts, increasing business and public value of environmental management and enhancing TVA's reputation.***

## **TVA Environmental Policy & Framework**

***Integrated Implementation Strategies:***  
***Detailed Long-Term Implementation Plans that recognize the agency interdependences and connections***

**Land  
Policy**

**Shoreline  
Management  
Policy**

**Stewardship  
Compliance**

**Land  
Management  
Plans**

# How Do We Discover V&Es?

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- ◆ Shoreline inspection process
- ◆ Members of the general public
- ◆ Due diligence for lands planning
- ◆ Campground compliance inspections
- ◆ Contract compliance inspections
- ◆ TVA Police patrols
- ◆ Other organizations (for example, River Operations for water supply or navigation obstruction issues)

# How Many Potential V&Es Have Been Documented?

Infraction	Number in V&E System		Infraction	Number in V&E System		Infraction	Number in V&E System
Abandoned Vessel/Vehicle	42		Excavation	33		Outfall - Sewage, Stormwater, Other	6
Agricultural Use	58		Fence	120		Personal Use	145
Animal Pen/House	8		Fill	89		Piling	13
Barge Terminal - Mooring Cells	1		Flood Risk Items	26		Playground Structures	5
Beach	1		Garbage/Dump	60		Pollution, Gas Leak, etc.	2
Boat Lift/Jet Ski Lift	18		Grill/Table	16		Retaining Wall	55
Boat Slips	200		Harbor Limits	9		Riprap	18
Boathouse	127		House	332		Road/Driveway	51
Boundary Markers	3		Irrigation System	4		Satellite/TV Antenna	25
Breakwater	3		Landscaping/Minor Clearing	148		Sewage discharge	6
Bridge - Pedestrian	1		Launching Ramp	32		Sidewalk/Walkway/Boardwalk (Land-base)	10
Building	798		Marine Railway	2		Sign	13
Buoy	76		Marine Service Station	1		Ski Jump/Slalom Course	11
Buoy Line - Swimming Area	6		Miscellaneous	62		Steps	31
Camping or Homesteading	35		Mobile Home	302		Storage Tank - Above- and Under-ground	6
Culvert - Roadway	2		Monitoring Station	1		Swimming Pool	4
Dam/Weir - Impounds Water	4		Mooring	34		Tree Cutting	105
Deck/Gazebo/Patio (Land Based)	76		Mooring Cells/Dolphins	1		Understory Removal	18
Dock/Pier	1078		Mooring Post	12		Utilities	10
Duck Blind	24		Non-mobile Travel Trailer	9		Waste Disposal System	5
Electric Pole/Service/Light	8		Non-navigable Houseboat	61		Water Intake	34
Erosion	3		Off-road Vehicle Abuse	13			

**Total population as of September 2008: > 4500**

*Thus the need to prioritize TVA resources*

# How Do We Prioritize?

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## By operational impacts to TVA

- ◆ Flood control/water quality/navigation impact
- ◆ Environmental impact
- ◆ Noncompliance with TVA's policies and procedures
- ◆ Financial impact
- ◆ Liability risk to TVA
- ◆ Impact to TVA reputation and trust

# Example: Inhabiting TVA Property (permanent campsites)

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## Guntersville Reservoir

- Inhabiting TVA property
- Illegal dock facility

## Potential Resolution

- TVA Police can issue a formal notice
  - 14-day limit
  - Requires site cleanup and dock removal
- Failure to comply with the notice will allow TVA to remove encroaching facilities (likely at TVA expense)



# Example: Non-compliance with Contract Provisions (campground lease, license, etc.)

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## Guntersville Reservoir

- Long-term/permanent use of campsites
- Safety violations

## Resolution

- License was revoked due to safety violations
- Campground was closed
- TVA is cleaning up campground and plans to lease area to a new operator beginning in FY09

# Example: Tree Cutting and Road Construction

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## Melton Hill Reservoir

### **Unauthorized tree cutting and portion of road on TVA property**

- Identified in September 2008 via an anonymous telephone call.
- Affected stakeholder cut the trees and built the road to improve access to a dock facility, which is not permitted at this time.

### **Status**

- Currently under investigation
- Resolution plan being drafted

# Example: Facility Built Without a Section 26a Permit

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## Kentucky Reservoir

- Unauthorized asphalt launching ramp
- Ramp (installed by owner) is located on TVA property fronting three other lot owners
- Affected lot owners request TVA make the owner remove the ramp and are threatening legal action against that lot owner and against TVA for not enforcing its policies

## Potential Resolution

- Negotiated settlement for joint permit and ownership of ramp
- Removal of ramp
- Potential for civil action

# Example: Fee Land Encroachment

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## Cherokee Reservoir

- Mobile home, storage shed, and septic system located entirely on TVA property

## Potential Resolution

- Removal of the mobile home, septic system, and other structures

# Example: Facilities Built with No Section 26a Permit

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## Norris Reservoir

- Unauthorized dock and deck
- Affected stakeholder does not have the necessary land rights for structure approval
- Section 26a appeal denied at CEO-level
- Three similar V&Es exist in the area

## Potential Resolution

- Stakeholder can purchase and exchange land rights for the facilities (maintain and gain)
- Failure to secure land rights will result in removal of the unauthorized structures
- Will address all area V&Es at the same time, offering similar options

# Example: Facilities Built Not in Compliance with a Section 26a Permit

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## Guntersville Reservoir

- Boathouse was permitted in 2004 for 1,848 square feet
- Boathouse was measured at 2,912 square feet
- Repeated attempts by Watershed Team to meet onsite to discuss this violation with the homeowner have been unsuccessful

## Potential Resolution

- Seek voluntary resolution
- Revoke permit and seek removal of the facility

# Example: Fee Land Encroachment

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## Kentucky Reservoir

- Portion of deck, gazebo, swimming pool, and water discharge on TVA property

## Potential Resolution

- Stakeholder can request a sufferance agreement for the deck and gazebo
- Stakeholder can request approval for the water discharge
- Removal of the swimming pool
- Removal of other structures

# How Do We Resolve These Issues?

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- ◆ Voluntary remedy by the affected stakeholder
- ◆ Removal of the structure by TVA
- ◆ Sufferance agreement
- ◆ Deed modification
- ◆ Monetary settlement
- ◆ Site restoration
- ◆ Revocation of permit or other contract agreement
- ◆ TVA or local police involvement in situations where appropriate
- ◆ Legal action



# What are the Next Steps?

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- ◆ Seek RRSC input into TVA stewardship compliance efforts
  - Stewardship Compliance Tour (October 9)
  - Breakout session to discuss specific compliance issues (October 10)
  - Questions for the Council (October 10)
- ◆ Finalize prioritization methodology and work with affected TVA business units to complete prioritization matrix
- ◆ Develop resolution options
- ◆ Pursue resolution of top priority compliance issues
- ◆ Communicate resolution action plans to affected organizations within TVA
- ◆ Public communication
- ◆ Measure results

## RRSC Input

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- ◆ TVA staff is working to resolve key stewardship compliance issues on TVA shoreline and is seeking the advice of the RRSC to ensure appropriate, equitable and consistent treatment while addressing issues with professionalism and integrity.

*“Right and Polite”*

# RRSC Input: Tour of Watershed Initiative and V&Es

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## Watershed Initiative

- Stop 1: Beaver Creek

## Lunch

- Stop 2: Harrison's Restaurant (Clinton, Tennessee)

## Violations and Encroachments

- Stop 3: Encroachment (Andersonville, Tennessee)
- Stop 4: Loyston Point (TVA-managed campground)
- Stop 5: Violation (Lake City, Tennessee)

# RRSC Input: Breakout Sessions

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- ◆ Issue 1: Campground/contract compliance
  - Campground (Watts Bar)
- ◆ Issue 2: Land use compliance
  - House encroachment on TVA property (Various Reservoirs)
  - Use of sufferance agreements
- ◆ Issue 3: Land use compliance
  - Timber encroachment (Various Reservoirs)
- ◆ Issue 4: Section 26a compliance
  - Water-use facilities not constructed in compliance with permits (Various Reservoirs)

# RRSC Input: Breakout Sessions (logistics)

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- ◆ Present one of the four scenarios to each of the four breakout groups
- ◆ RRSC breakout groups will elect a spokesperson to give an overview of the scenario and report the results to the entire group
- ◆ After the report-outs, additional questions will be posed to the RRSC (as a whole) for input to the TVA Board of Directors

# Questions for the Council

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- ◆ We would like to know your general thoughts about our plan to more proactively manage TVA's Stewardship Compliance issues.
- ◆ As shown in the presentation, TVA has developed a method of prioritizing the various violations that TVA faces based on operational impacts to TVA. Should TVA be taking other factors into consideration as we prioritize working on the various stewardship compliance issues we are facing?
  - Flood control/water quality/navigation impact
  - Environmental impact
  - Noncompliance with TVA's policies and procedures
  - Financial impact
  - Liability risk to TVA
  - Impact to TVA reputation and trust
- ◆ How should TVA communicate to the public about these issues and its steps regarding resolution?
- ◆ What other general recommendations or considerations does the Council have for us with regard to pursuing resolution of these issues?